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## ANSWER AND JURY DEMAND

-1-

c. The Defendant admits the first two sentences of ¶9, and is without sufficient information to admit or deny the last sentence of ¶9, and therefore denies the same.

d. Answering ¶13 of the Complaint, the Defendant admits the first sentence thereof, but is without sufficient information to admit or deny the remaining allegations thereof, and therefore denies the same.

e. Answering ¶12 of the Complaint, the Defendant answers the restated paragraphs in the same manner as originally answered herein.

f. The Defendant denies all further allegations of the Complaint not previously answered herein.

### **FIRST AFFIRMATIVE DEFENSE**

The Plaintiff's Complaint fails to state a claim against the Defendant upon which relief can be granted.

### **SECOND AFFIRMATIVE DEFENSE**

The amount alleged due in the Complaint has been paid in full or substantially in full.

WHEREFORE, the Defendant prays for the following:

1. That the Plaintiff's Complaint be dismissed;
2. For Defendant's costs and attorney fees incurred herein; and

3. For such other and further relief as the Court deems just and property.

DATED this 28<sup>th</sup> day of September, 2009.

TOWE, BALL, ENRIGHT, MACKEY &  
SOMMERFELD, PLLP

By /s/ Stephen C. Mackey  
STEPHEN C. MACKEY  
Attorneys for Defendant

JURY DEMAND

The Defendant prays for trial by jury in the above-captioned cause.

DATED this 28<sup>th</sup> day of September, 2009.

TOWE, BALL, ENRIGHT, MACKEY &  
SOMMERFELD, PLLP

By /s/ Stephen C. Mackey  
STEPHEN C. MACKEY  
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certificate that on September 28, 2009, a copy of the foregoing document was served on the following persons by the following means:

1, 2,        CM/ECF  
       Hand Delivery  
       Mail  
       Overnight Delivery Service  
       Fax  
       E-Mail

1. Clerk, U.S. District Court
2. Shane P. Coleman  
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          /s/ Stephen C. Mackey            
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